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IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Wolfgang FRANZ et al.

Appl. No.: 09/068,751 Group: 1635

Filed: November 2, 1998 Examiner: M. Schmidt

For: GENE-THERAPEUTIC NUCLEIC ACID CONSTRUCT PRODUCTION
OF THE SAME AND USE OF THE SAME IN THE TREATMENT
OF HEART DISORDERS

NOTICE OF APPEAL FROM THE
PRIMARY EXAMINER TO THE BOARD OF APPEALS

Assistant Commissioner for Patents
Washington, DC 20231

December 28, 2000

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated June 28, 2000 of the Primary Examiner finally rejecting claims 20-73.

The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The applicant(s) hereby petition(s) for an extension of three (3) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

NO extensions of time have been previously obtained for responding to the Final Rejection. Thus a fee of \$445.00 is required for the full period of the above-requested extension of time.

An extension of _____ () month(s) for responding to the Final Rejection was previously requested and paid for on _____. Thus a fee of \$0.00 is required to obtain an additional _____ () month(s) for filing the Notice of Appeal.

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RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1635

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Notice

Appeal

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Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

Large entity - \$310.00

Small Entity - \$155.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$600.00.

Payment of the above TOTAL FEE is being made in the following manner:

A check in the amount of \$600.00 is enclosed.

Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Mark J. Nuell
Gerald M. Murphy, Jr., #28,977

Mark J. Nuell, #36,623

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(REV. 11/02/2000)